

Rev 01/10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application : Kevin Tait  
Application No. : 10/762,964  
Filed : January 22, 2004  
Patent No. : 7,591,998  
Issued : September 22, 2009  
Title : STOOL MARKER  
Confirmation No. : 6339  
Attorney's Docket No. : SW-045AX

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**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT  
IN VIEW OF *WYETH*\***

**Via Electronic Filing**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

*\*Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Respectfully submitted,

Dated: February 18, 2010

By:           /Charles L. Gagnebin iii/            
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